

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

May 30 – June 3, 2005

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-31	OPP	91121151	America Honda Motor Co., Inc. v. TBC Corporation	Seeherman Hohein Hairston*	2(d)	Opposition Sustained	“SHADOW” [motorcycles]	“SHADOW” [tires]			No
5-31	EX	76528004	Glaze, Inc.	Hairston* Walters Holtzman	2(e)(1)	Refusal Affirmed		“MIRROR MIRROR” [double mirror with arm extension]		R. Clark	No
6-1	EX	76469246	Lynda Guber	Hanak* Hohein Rogers	2(e)(1)	Refusal Reversed		“CONTACT YOGA” [personal exercise mats, exercise blocks and exercise straps]		Ayala	No
6-2	EX	78214399	Arvin Technologies, Inc.	Hohein Chapman* Rogers	2(e)(1)	Refusal Affirmed		“METAL CAT” [catalytic converters for motors and engines]		Rademacher	No
6-3	OPP (R)	91124984	Gillette Canada Company v. Robin Research Laboratories, Inc.	Walters Bucher Rogers*	2(d); dilution;	Request for Reconsideration Denied (Opposition Dismissed)	“ORAL B” and “ORAL-B” (in block letter and stylized forms) [preventive dentistry products]	“ORAL MAX” (and design) [electric toothbrush and dental flossing units]			No
6-3	OPP (R)	91125078	Unsworth Transport Int'l, Inc. v. UTI Worldwide, Inc.	Hairston* Chapman Bucher	2(d)	Request for Reconsideration Denied (Opposition Sustained)	“UTi” [transportation and logistical services, including: cargo handling; warehouse storage; warehousing services; freight brokerage; freight transportation by air, truck, train; freight forwarding by air, sea and land; and custom house brokerage]	“UTi”(and design) [freight brokerage; freight forwarding; freight forwarding by air, sea or land; shipping of freight; warehouse storage; and packaging of freight for transportation]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 30 – June 3, 2005 (continued)

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6-3	EX EX Ex	78140350 78140360 78140376	Burco, Inc.	Seeherman Quinn* Drost	whether the matter applicant seeks to register is either inherently distinctive or has acquired distinctive-ness under Section 2(f)	Refusal Affirmed in all three cases		"2216," "2252," and "3217" [all three marks for replacement glass for outside rear-view mirrors]		D. Taylor	No
6-3	EX	76511361	Engineered Products, Inc.	Hohein Hairston Holtzman*	2(e)(1) [genericness]; whether, if not generic, applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed on the ground that applicant failed to prove acquired distinctive-ness		"ENGINEERED PRODUCTS" [storage and materials handling systems, namely, metal racks, metal pallets, conveyors and conveyor controls sold as a unit]		Salemi	No

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